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A Guide to Source Separation of Recyclable Materials for Industrial, Commercial and Institutional Sectors and Multi-Unit Residential Buildings

As Required under Ontario Regulation 103/94

You can view and download the regulation by going to www.e-laws.gov.on.ca/ and entering O. Reg. 103/94 into the search box.

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135 St. Clair Avenue West, 1st floor

Toronto, Ontario M4V 1P5

Tel: 1 (800) 565-4923

(416) 325-4000

Fax: (416) 325-3159

Email: picemail.moe@ontario.ca

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PREFACE

This guide will help you understand the requirements of Ontario Regulation 103/94 (O. Reg. 103/94 – Source Separation Programs) as it applies to the industrial, commercial and institutional (IC&I) sector, including construction and demolition projects as well as multi-unit residential buildings.

O. Reg. 103/94 is an integral part of Ontario's efforts to encourage businesses to reduce the amount of waste they produce, to reuse whatever waste they can and to recycle the rest. Businesses need to do this if Ontario is to meet its overall goal of reducing the amount of waste going to disposal.

This guide is intended to help you understand the minimum requirements for implementing a source separation program, as required under O. Reg. 103/94. This regulation is part of Ontario's 3Rs Regulations (3Rs stand for reduce, reuse and recycle).

The other guides in the series are:

- A Guide to Source Separation of Recyclable Materials and Leaf and Yard Waste Systems for Municipalities as Required Under Ontario Regulation 101/94
- A Guide to Approvals for Recycling Sites, Leaf and Yard Waste Composting Sites and Compost Use as Required Under Ontario Regulation 101/94
- A Guide to Waste Audits and Waste Reduction Work Plans for Industrial, Commercial and Institutional Sectors as Required under Ontario Regulation 102/94
- A Guide to Waste Audits and Waste Reduction Work Plans For Construction & Demolition Projects as Required under Ontario Regulation 102/94
- A Guide to Packaging Audits and Packaging Reduction Work Plans as Required under Ontario Regulation 104/94

Disclaimer: These guides are for informational purposes only and are not intended to provide specific advice or recommendations in any circumstances. Moreover, these guides are not, and should not be construed as, legal advice. Please review Ontario Regulations 101/94, 102/94, 103/94 and 104/94 and, if you have any questions about the application or interpretation of these regulations or have other legal questions, you should consult a lawyer.

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1.0 INTRODUCTION

Ontario Regulation 103/94 applies to non-hazardous solid wastes from designated industrial, commercial and institutional (IC&I) sources and multi-unit residential buildings. This guide focuses on the requirements for the establishment of source separation programs for designated waste materials created by designated IC&I establishments, including construction and demolition projects as well as multi-unit residential buildings.

The implementation of source separation programs by those subject to O. Reg. 103/94 will contribute significantly toward the success of the province's efforts to promote the diversion of waste away from landfills and incinerators as the preferred approach to waste management. IC&I wastes make up the largest component of the non-hazardous solid waste stream. Efforts to divert the IC&I waste stream therefore, will have the greatest potential for reducing the quantity of materials destined for disposal and increasing the quantity put back into productive use.

IC&I source separation programs can also affect the residential waste stream. For example, individual participation in recycling programs away from home, such as at work or school (sites that may fall under the O. Reg. 103/94 requirements), re-enforces good sorting habits at home. Better quality sorting leads to more efficient and effective collection, processing and recovery of recyclable materials and, ultimately, increased diversion of such materials from disposal.

Section 2.0 of this guide outlines the general requirements that must be included in a source separation program required under O. Reg. 103/94. Section 3.0 defines the sectors that must comply with O. Reg. 103/94 and any special provisions that may apply to each of those sectors.

The appendices contain links to additional material to help affected parties, including materials eligible to be included in source separation programs, Group A, B, and F hospitals (as defined under Regulation 964) and North American Industry Classification System (NAICS).

Please note those establishments that are subject to O. Reg. 103/94 must also comply with O. Reg. 102/94 which requires a waste audit and a waste reduction work plan. Further details are contained in: A Guide to Waste Audits and Waste Reduction Work Plans for Construction and Demolition Projects or A Guide to Waste Audits and Waste Reduction Work Plans for Industrial, Commercial and Institutional Sectors.

2.0 GENERAL REQUIREMENTS

This chapter outlines the general requirements for source separation programs to be implemented by designated IC&I sectors and multi-unit residential buildings. Special provisions and requirements for affected IC&I sectors and multi-unit residential buildings are described in Chapter 3.0.

An existing entity that increases its size at or above the applicable size threshold automatically becomes subject to O. Reg. 103/94.

2.1 Source Separation Program Requirements

A source separation program consists of a series of ongoing activities to separate reusable and recyclable waste materials from other wastes at the point of generation. The purpose of a source separation program is to separate the waste into its material categories as well as from other wastes so that the wastes that can be reused or recycled are diverted from the landfill.

Source separated waste can be recycled or reused, and the secondary materials produced can be used to replace, or substitute, raw materials used for new products.

O. Reg. 103/94 specifies minimum requirements for the source separation program as outlined in sections 2.1.1 through 2.1.5.

The source separation program must encompass all administrative, warehousing or other ancillary activities or departments located on the same site and associated with the designated establishment.

2.1.1 Collection, Handling and Storage

The source separation program must have sufficient facilities for the collection, handling and storage of the anticipated quantities of source separated wastes.

Collection means that suitable containers must be provided for employees, tenants, students and patrons to deposit waste materials. The collection containers should be appropriate for the generator's site and activity. That is, they should be located conveniently, be properly sized, and made from materials that can adequately contain the waste. One arrangement is to have individual containers for each department (or work station), as is typical with garbage containers. It is also advisable to incorporate adequate labeling of containers and signage as required, that is clear and simple, consistent, and easily understood by all participants. Language barriers should be taken into account. Graphic elements are often more easily understood than text. Incorporating these features into a source separation program will encourage greater participation in the source-separation program.

Storage areas and equipment must be provided for the collected materials. The method of storage (e.g., bales, boxes, containers) can help prevent damage to the materials and prevent litter. Requirements for preparation and shipping will usually be in accordance with a hauler, user or processor specification.

Appropriate handling procedures and equipment, such as lift trucks, must be provided to transport source separated waste from collection bins to on-site storage areas. Materials to be transported should be suitably packed to prevent damage and control litter.

2.1.2 Removal

Measures must be taken to ensure that the collected source separated wastes are removed from the site and delivered to a Municipal Waste Recycling Site as defined in O. Reg. 101/94 or another site with the capability and approval to handle source separated waste.

2.1.3 Information to Users

To promote awareness of the source separation program and ensure its continuing success, information must be provided to those who will use the program (e.g. employees, patrons, students and tenants).

This information can be in the form of yearly or more frequent progress reports that show the amount of materials collected, cost savings or other waste reduction achievements. These reports serve as reminders and motivational tools to encourage participation by providing feedback to users.

The program should be communicated to employees, tenants, students and patrons to ensure that source separation procedures, responsibilities and equipment use are properly understood. New employees should also be informed of the program and trained in its operation as soon as is practical after being hired. Also, information about modifications to the program, such as the addition of new materials to be separated, must be conveyed. Communication can be through newsletters, signs, group meetings or other methods available to the owner or operator.

Employees should be trained in the proper use of source separation equipment and program procedures. Training should enable employees to recognize what materials must be source separated, the desired quality, locations of collection containers, and how to contact program coordinators. Training can take place through meetings, information sessions, newsletters or pamphlets.

2.1.4 Effective Use of Separated Materials

Those subject to O. Reg. 103/94 must make reasonable efforts to ensure that the separated waste is reused or recycled.

The separated materials can be directed to beneficial use by the waste generator through intermediaries such as Municipal Waste Recycling Sites, materials brokers or waste exchanges, or sent directly to end-users to reuse or recycle the materials into new products. Although materials can be dropped off at a depot or transfer station, ultimately they must be recycled or reused.

Reasonable efforts to market the materials for reuse or recycling include contacting industry and trade associations, materials exchanges, local municipal recycling coordinators and other agencies. These agencies can provide information on where the materials can be directed or whom to contact. In addition, there are private companies that will collect the source separated waste from a site and make them available to markets.

Reasonable efforts also include steps by the waste generator to ensure that the separated materials are, in fact, reused or recycled by the waste receiver. The separated materials must be handled in a manner that will not degrade their quality (e.g. they must not be mixed with other waste). Precautions can be taken prior to entering into a contract by obtaining and checking references or requiring a list of eventual uses. A contract may also contain provisions enabling the waste generator to conduct or obtain audits of the receiving facility, or provide written guarantees as to the final use of the materials.

SOME HELPFUL TIPS...

1. Ensure that source separated waste meets the specifications of the intended waste receiver (i.e., recycling company or broker, end-user, manufacturer). The specifications may include the allowable contamination limits and storage methods.
2. Reduce the amount of contaminants in the source separated waste through an effective communications program. Contamination of the materials in storage areas can also be reduced by posting signs and by restricting access.
3. Minimize the prolonged storage of the materials. Materials that have aged may not be suitable for recycling. As well, some materials, such as plastics and papers, will degrade under lengthy exposure to sunlight and moisture.
4. As mentioned, there are several methods for marketing recyclable materials. The options available in each situation will depend on the availability of services by location. For example, some municipalities include the collection of recyclables from IC&I sources in their curbside programs. Consulting with the local waste authority will help clarify which entities provide service for which materials.

2.1.5 Mandatory Materials to be Source Separated

The schedule to O. Reg. 103/94 lists the materials that must be included in the source separation program for each designated waste generator. These materials are listed in Appendix B of this guide.

O. Reg. 103/94 requires generators to source separate only wastes that can be reasonably anticipated because of normal practices or operations at the site. Doing the waste audit, as required under O. Reg. 102/94, should determine if a particular material can be reasonably anticipated. If, through the waste audit, it is determined that there are insignificant amounts of the material in the waste stream or it is not a normal part of the operation, then it would not be expected to be included in the source separation program.

Examples of Situations Where Designated Waste Materials Need Not be Included in a Source Separation Program:

A **restaurant** does not use glass containers for food or beverages. It purchases supplies in metal cans and does not serve food or beverages in bottles. The restaurant's waste audit shows that glass bottles were found in its waste stream from customers discarding bottles in the restaurant's garbage bins. This is not considered to be a normal part of the restaurant's operation and, therefore, the restaurant would not be expected to source separate glass containers.

A **manufacturer** of plastic products does not use wood as a raw material in its products; nor does it receive or ship items on wooden pallets or use other types of wood in its operations. This is confirmed through the waste audit. The manufacturer's source separation program need not make provisions for wood.

The waste audit is also the point where the generator determines whether or not a particular material is recyclable. If there are steps that can be taken to make it recyclable, then these should be included in the waste reduction work plan.

See Appendix B for a list of mandatory wastes that must be source separated for designated IC&I establishments. Generators are encouraged to add other waste materials to their source separation program in addition to the mandatory waste materials listed in O. Reg. 103/94. Some of these additional materials may be the same as the mandatory waste materials that municipalities are required to source separate in O. Reg. 101/94, Schedule 1. Materials from Schedules 2 and 3 in O. Reg. 101/94 may also be included. Note that Schedule 3 wastes cannot be commingled (brick and Portland cement, unpainted drywall, untreated/unpainted wood).

The type of material handled by a source separation program will determine if the program requires waste management system approvals under the *Environmental Protection Act* (see section 2.3 of this guide).

2.2 Wastes Exempted from Part V of the *Environmental Protection Act*

Under specific conditions, some waste materials are exempt from Part V (Waste Management) of the *Environmental Protection Act* and Regulation 347 (General – Waste Management). Exempt waste includes waste materials from O. Reg. 101/94, Schedule 1, 2 or 3 (see Appendix C) that are not commingled with other materials or waste, and are transferred by a waste generator and destined for a site that uses the material. For example:

- aluminum beverage cans sent to an aluminum processing plant for use at the plant
- glass containers sent to a glass manufacturing plant for use at the plant

Note that a waste cannot be exempt if it is sent to a site that will use it in a combustion process or for land application.

Regulation 347 was updated in 2007 to include an expanded list of exemptions, and associated requirements or conditions, to encourage the diversion of a greater variety of materials from disposal. Refer directly to Regulation 347 for further details about specific waste material exemptions.

For more information about exempt wastes, see Regulation 347, and A Guide to Approvals for Recycling Sites, Leaf and Yard Waste Composting Sites and Compost Use.

2.3 Source Separation Programs Exempted from Approvals

Sections 27, 40 and 41 of the *Environmental Protection Act* require that facilities used for waste management purposes obtain a Certificate of Approval from the ministry.

An IC&I source separation program required by O. Reg. 103/94 that handles only the material discussed in section 2.1.5 is exempt from these approval requirements. In addition, entities that have chosen to go beyond compliance (i.e., they are not subject to O. Reg. 103/94) by operating a source separation program at a single site that complies with the requirements set out in subsection 2(1) of O. Reg. 103/94 are exempt from sections 27, 40 and 41 of the *Environmental Protection Act*. For example, a source separation system serving an office building with less than 10,000 square metres designated for office space (not subject to O. Reg. 103/94) is exempt if it is consistent with the requirements described in section 2.1 of this guide and the system handles waste from a single site.

3.0 WHO IS AFFECTED/SPECIAL PROVISIONS

3.1 Retail Shopping Establishments

The owner of a “retail shopping establishment” is subject to O. Reg. 103/94 if:

- it is located in a municipality with a population of at least 5,000,
- occupies premises with a total floor area of at least 10,000 square metres, or
- it, regardless of its size, occupies premises in a retail shopping complex and if the owner of the retail shopping establishment is solely responsible for the establishment’s waste management.

For the purposes of determining the 10,000 square metres threshold, every area on the premises that is used to sell goods or services as retail must be included. For example, if a retail shopping establishment was 9,500 square metres and had a greenhouse that was 6,000 square metres, the owner would be subject to O. Reg. 103/94. Parking spaces are not included in the threshold calculation.

Floor area is calculated as “gross area” according to the Ontario Building Code: “the total area of all floors above grade measured between the outside surfaces of exterior walls, or between the outside surfaces of exterior walls and the centre line of firewalls except that, in any occupancy other than a residential occupancy, where an access or a building service penetrates a firewall, measurements shall not be taken to the centre line of such firewall.”

A retail shopping establishment is an establishment that sells goods or services at retail to persons who come to the establishment.

The owner of the retail shopping establishment is required to implement a source separation program for the wastes generated by the establishment or shall ensure that such a program is implemented. For example, a department store, that is located in a 20,000 square metre retail shopping mall and manages its own waste, shall participate in the source separation program operated by the owner of the mall.

Wastes to be Source Separated

The owner of a retail shopping establishment subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion.

3.2 Retail Shopping Complexes

The owner of a “retail shopping complex” is subject to O. Reg. 103/94 and must operate a source separation program if the complex has a total floor area (see section 3.1) of at least 10,000 square metres, is occupied by establishments that sell goods or services at retail to persons that come to the establishments, and is located within a municipality with a population of at least 5,000.

Although O. Reg. 103/94 does not define the term “retail shopping complex”, the ministry takes the position that it includes retail shopping complexes that are planned, developed and designed as a unit, including department stores, strip malls, plazas, indoor shopping malls or centres, supermarkets, department stores and gallerias.

Special Provisions

The owner of a retail shopping complex is required to implement a source separation program for the wastes generated at the complex or to ensure that such a program is implemented. The owner may allow tenants to implement their own source separation program, but the program must meet the requirements of O. Reg. 103/94.

A designated retail shopping complex does not have to implement a source separation program for a retail shopping establishment (e.g. store) located on the premises if the retail shopping establishment is:

- over 10,000 square metres, or
- responsible for their own waste management.

Wastes to be Source Separated

The owner of a retail shopping complex subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion.

3.3 Large Construction Projects

The builder of a “construction project” (a person who is undertaking the construction project on their own behalf or on behalf of another) that consists of the construction of one or more buildings with a total floor area of at least 2,000 square metres is subject to O. Reg. 103/94 and must implement a source separation program.

The total floor area of a project must include any area used for indoor or underground parking. Any outdoor parking or other outdoor facilities such as recreational parks need not be included when calculating floor area (see section 3.1 on how to calculate floor area).

A project includes the operations normally associated with the construction of buildings. Construction projects include residential, commercial, industrial and institutional buildings.

Projects involving the renovation of existing buildings are not subject to O. Reg. 103/94.

Special Provisions

Construction projects subject to O. Reg. 103/94 must handle waste materials required to be source separated in either of two ways:

First, the builder can keep each of the Part III waste categories (Schedule, O. Reg. 103/94 – see Appendix B) separate from each other and from other kinds of waste.

Second, the builder can leave the waste commingled, and move it from the project site to one of the following locations, providing the waste gets immediately separated at the locations:

- i) the permanent premises of the person undertaking the construction project (i.e., the builder);
- ii) the permanent premises of the person on whose behalf the construction project is undertaken (i.e., the owner); or
- iii) a waste disposal site operating under the authority of a certificate of approval.

The builder is responsible for implementing a source separation program or ensuring that a source separation program is implemented.

The source separation program must be in place before construction work begins at the site. For the purposes of determining when construction begins at the site, the ministry's position is that construction generally begins at the point foundations for the building(s) is/are being dug. Where, however, a building is going to be constructed in phases (e.g. one builder constructs the outer shell and another contractor constructs the inner shell), construction for the second phase begins when the builder begins construction on the second phase.

Wastes to be Source Separated

The builder of a large construction project subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion. Note that brick and concrete are considered as one category.

3.4 Large Demolition Projects

The demolisher of a “demolition project” (a person who is undertaking the demolition project on their own behalf or on the behalf of another) that consists of the demolition of one or more buildings with a total floor area of at least 2,000 square metres is subject to O. Reg. 103/94 and must implement a source separation program.

The total floor area of a project must include any area used for indoor or underground parking. Any outdoor parking or other outdoor facilities such as recreational parks need not be included when calculating floor area.

Special Provisions

Demolition projects subject to O. Reg. 103/94 must handle materials required to be source separated in either of two ways:

First, the demolisher can keep each of the Part IV waste categories (Schedule, O. Reg. 103/94 – see Appendix B) separate from each other and from other kinds of waste.

Second, the builder can leave the waste commingled, and move it from the project site to one of the following locations, providing the waste gets immediately separated at the locations:

- i) the permanent premises of the person undertaking the construction project (i.e., the demolisher);
- ii) the permanent premises of the person on whose behalf the construction project is undertaken (i.e., the owner); or
- iii) a waste disposal site operating under the authority of a certificate of approval.

The demolisher is responsible for implementing a source separation program or ensuring that a source separation program is implemented.

The source separation program must be in place before demolition work begins at the site.

Wastes to be Source Separated

The demolisher of a large demolition project subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion. Note that brick and concrete are considered as one category.

3.5 Office Buildings

The owner of a “building” or a “group of buildings” that have a total floor area of at least 10,000 square metres for use as offices and is located within a local municipality that has a population of at least 5,000 is subject to O. Reg. 103/94 and must operate a source separation program for the waste generated at the building or group of buildings.

O. Reg. 103/94 defines “group of buildings” to include two or more buildings where:

- (a) each building has the same owner and
- (b) each of the buildings is in proximity to at least one of the other buildings such that there is, at most, one building/property of different ownership located between the two buildings.

For the purposes of determining whether there is more than one building/property of different ownership located between the two buildings, public roads, public parks and any land over which the public has a general right of access are not counted.

The total floor area is defined for a building or a group of buildings as the area devoted to the use as offices. For instance, if some of the floor area is used for parking, laboratory or residential use, that floor area will not be counted toward the 10,000 square metres threshold criterion (see section 3.1 on how to calculate floor area).

Special Provisions

The owner of the office building is responsible for implementing the source separation program. An owner may wish to adjust leases to require tenants to assist in the implementation of the source separation program. For example, tenants could be requested to provide information to the landlord as to the type and quantity of waste generated or to make use of facilities provided by the owner for the collection, handling and storage of source separated wastes.

The owner of the office building is required to implement a source separation program for the wastes generated at the building or to ensure that such a program is implemented. This means that the owner can allow tenants to implement their own source separation program, but these programs must meet the requirements of the regulation.

Wastes to be Source Separated

The owner of an office building or group of office buildings subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion.

3.6 Multi-Unit Residential Buildings

The owner of a “multi-unit residential building” must operate a source-separation program, if the building contains six or more dwelling units and is located within a local municipality that has a population of at least 5,000.

A dwelling unit can be considered to be an individual unit that is rented or owned to be primarily used, or intended to be used, as a domicile by one or more persons and usually contains cooking, eating, living, sleeping and sanitary facilities. This includes public or privately owned apartment buildings, condominiums and co-operative apartments. This does not include institutions that provide medical care or prisons.

Wastes to be Source Separated

The owner of a multi-unit residential building subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion.

In addition to materials listed above, owners of multi-unit residential buildings must also include the categories of waste that are collected or accepted by the blue box waste management system, if any, of the municipality where the building is located. Owners should check with their municipal works department to determine which materials are included.

(Local municipalities are required to collect recyclable materials from buildings if the buildings are receiving garbage collection services from the municipality, or a contractor operating on behalf of the municipality.)

3.7 Restaurants

The owner of a “restaurant”, including a “take-out restaurant”, is subject to O. Reg. 103/94 if the gross sales for all restaurants operated by the owner in Ontario were \$3 million or more in any of the two preceding calendar years and the restaurants are located in municipalities with a population of at least 5,000. The owner must operate a source separation program for the waste generated by the operation of the restaurant.

The restaurant owner will become subject to O. Reg. 103/94 in the first calendar year following the two preceding calendar years in which gross annual sales for all restaurants operated by the same owner in Ontario were \$3 million or more. The owner of a restaurant will cease being subject to O. Reg. 103/94 if in the two preceding calendar years the gross annual sales for all restaurants operated by the same owner in Ontario were less than \$3 million.

If the owner cannot demonstrate to the satisfaction of the Director* within seven (7) days of a request that gross annual sales for all restaurants operated by the owner in Ontario were under \$3 million, the owner will become subject to O. Reg. 103/94. Copies of records related to purchase

and sale maintained under subsection 5 (1) of Regulation 1013 of Revised Regulations of Ontario, 1990, made under the *Retail Sales Tax Act*, are deemed to be sufficient evidence if the copies are certified as accurate by the owner or the owner's representative.

* For the purposes of the 3Rs Regulations, the "Director" is a Ministry of the Environment (MOE) Regional Director, Assistant Regional Director, District Manager, Director Waste Management Policy Branch (WMPB) or Assistant Director WMPB

Although O. Reg. 103/94 does not define the term "restaurant", the ministry takes the position that establishments that prepare food or beverages – preparation may include cooking, baking, filling or packaging into severable portions – on site and offer them for immediate sale to the public are subject to the regulation. Examples of establishments that the ministry considers to be restaurants include the following: licensed/ unlicensed restaurants, pubs, taverns and cafeterias that provide sit-down meals, take-out, pick-up or delivery.

Special Provisions

The owner of the restaurant is required to implement a source-separation program for the wastes generated by the operation of the restaurant or to ensure that such a program is implemented.

If the restaurant is in a designated retail shopping establishment or complex, office building, hotel or motel, hospital or campus of an educational institution, the owner of the restaurant is not subject to section 11 of O. Reg. 103/94. Rather, the owner of the designated establishment is responsible for implementing a source-separation program for the waste generated at the building location or ensuring that such a program is implemented.

For example, in the case of a restaurant located on the ground floor of a 20,000 square metre office building, the restaurant owner is not required to implement his/her own source separation program. However, the restaurant owner must participate in the building owner's source separation program within the requirements of the regulation.

If a restaurant is located in a building which is not designated, the owner of the restaurant is responsible for complying with the regulation if the owner meets the sales criteria.

Wastes to be Source Separated

The owner of restaurants subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion.

3.8 Hotels or Motels

The owner of a “hotel or motel” that has more than 75 units, and is located within a local municipality that has a population of at least 5,000, is subject to O. Reg. 103/94 and must operate a source separation program for waste generated by the operation of the hotel or motel. The owner of a hotel or motel must comply with O. Reg. 103/94 regardless of whether the 75 units are being used each night.

Although O. Reg. 103/94 does not define the words “hotel” or “motel”, the ministry takes the position that facilities with sleeping accommodations for temporary stays – which include hotels, motels, inns, hostels or other facilities providing temporary lodging to the traveling public – are subject to O. Reg. 103/94. The ministry also takes the position that a vacation cabin constitutes a single unit for the purposes of determining the total number of units a facility has.

Note that campgrounds and trailer parks are not subject to O. Reg. 103/94.

Special Provisions

The owner of a hotel or motel is required to implement a source separation program for the wastes generated by the operation of the hotel or motel or to ensure that such a program is implemented (i.e., at peripheral operations, as stated below).

If there are operations at the hotel or motel run by tenants and/or sub-contractors, the operator of the hotel or motel may allow a tenant/sub-contractor to implement their own source separation program, but that program must meet the requirements of the regulation.

Wastes to be Source Separated

The owner of hotels and motels subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion.

3.9 Hospitals

The operator of a “public hospital” that is classified as a Group A, B or F hospital under Regulation 964 of the Revised Regulations of Ontario, 1990, made under the *Public Hospitals Act*, and is located within a local municipality that has a population of at least 5,000 is subject to O. Reg. 103/94. The operator must operate a source separation program for waste generated by the operation of the hospital, and prepare and implement a waste reduction work plan.

The operator of the hospital is also required to update the waste audit and the accompanying written report and the waste reduction work plan written report on an annual basis.

Regulation 964 classifies these hospitals as follows:

Group A: General hospitals with teaching facilities for university medical students, as evidenced by a written agreement between the hospital and the university with which it is affiliated and hospitals approved in writing by the Royal College of Physicians and Surgeons for providing post-graduate education leading to certification or a fellowship in one or more of the specialties recognized by the College.

Group B: General hospitals having at least 100 beds.

Group F: Hospitals for chronic patients and having at least 200 beds, not including group R hospitals.

See Appendix A for an internet link regarding the full listing of Group A, B and F hospitals.

Nursing homes or homes for the aged, which are not covered by the *Public Hospitals Act*, are not subject to O. Reg. 103/94.

Special Provisions

The operator of a hospital is required to implement a source separation program for the wastes generated by the operation of the hospital or to ensure that such a program is implemented (i.e., at peripheral operations, as stated below).

If there are operations at the hospital run by tenants and/or sub-contractors, the operator of the hospital can allow a tenant/sub-contractor to implement their own source separation program, but that program must meet the requirements of the regulation.

Wastes to be Source Separated

The operator of a hospital subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion.

3.10 Educational Institutions

The operator* of an “educational institution” is subject to O. Reg. 103/94 if the location or campus has more than 350 full- or part-time persons enrolled during the calendar year and is located within a local municipality that has a population of at least 5,000. The operator must conduct a waste audit covering the waste generated by the operation of the institution at the location or campus, and prepare and implement a waste reduction work plan.

* The operator of an elementary or secondary school is the person responsible for operating the school such as the Principal or the School Board. For universities, it is the person responsible for operating the institution and could include the President or other person in charge.

The ministry's position is that an "educational institution" includes both public and private institutions covering elementary, secondary and vocational schools; training academies; colleges and universities. Recreational facilities, such as summer youth camps with an incidental training component, are not considered "educational institutions" for the purposes of O. Reg. 103/94.

Special Provisions

The operator of an educational institution is required to implement a source separation program for the wastes generated at the location or campus of the institution or to ensure that such a program is implemented (i.e., at peripheral operations, as stated below).

If there are operations at the educational institution run by tenants and/or sub-contractors, the operator of the educational institution may allow a tenant/sub-contractor to implement its source separation program, but that program must meet the requirements of O. Reg. 103/94.

The source separation program must be maintained for two calendar years after the last year the educational institution had more than 350 persons enrolled.

Wastes to be Source Separated

The operator of an educational institution subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion.

3.11 Large Manufacturing Establishments

The owner or operator of a "large manufacturing establishment" is subject to O. Reg. 103/94 if persons employed at the site work in excess of 16,000 hours in any one calendar month during the preceding two calendar years. The owner or operator must conduct a waste audit covering the waste generated by the establishment operating at the site, and prepare and implement a waste reduction work plan

The owner or operator will become subject to O. Reg. 103/94 in the first calendar year following a calendar month in which persons employed at the site worked more than 16,000 hours.

The owner or operator will cease being subject to O. Reg. 103/94 if there was no calendar month during the two preceding calendar years in which the total number of hours worked by the employees at the site exceeded 16,000 hours.

If the owner or operator cannot demonstrate to the satisfaction of the Director (see section 3.7 for a definition) within seven (7) days of a request for the total number of hours worked for persons employed at the site worked in a month, the owner or operator will become subject to O. Reg. 103/94.

For the purposes of a large manufacturing establishment the following terms are defined:

- “owner” includes the operator of a manufacturing establishment but does not include a landlord
- “site” means one property and nearby properties owned or leased by the same person where passage from one property to another involves crossing, but not traveling along, a public highway.

Appendix A contains a link to Statistic Canada’s internet site that lists categories of manufacturing establishments according to the North American Industry Classification System (NAICS). NAICS can be used to determine if your operation is a manufacturing establishment.

Special Provisions

The owner of a manufacturing establishment is required to implement a source separation program for the wastes generated by the operation of the establishment at the site or to ensure that such a program is implemented (i.e., at peripheral operations as stated below).

Sub-contractors which run operations at the manufacturing establishment may be allowed by the owner to implement their own source separation program, but only within the requirements of the regulation.

Wastes to be Source Separated

The operator or owner of a large manufacturing establishment subject to O. Reg. 103/94 is required to follow the general requirements outlined in section 2.0 and implement a source separation program for the mandatory waste material categories listed in Appendix B. Appendix C lists other waste materials that should be considered for source separation and diversion.

APPENDIX A – Links to Information:

1. e-laws:

You can view and download the regulation by going to e-laws and entering O. Reg. 103/94 into the search function. You can also find all four of the 3Rs regulations or other regulations and acts by entering their name: www.e-laws.gov.on.ca

2. Hospital Categories as per Ontario Regulation 964, *Public Hospitals Act*.

For a listing of Group A, B and F Hospitals please refer to the Ministry of Health's internet page at: www.health.gov.on.ca/english/public/contact/hosp/hospcode.html

3. List of categories of manufacturing establishments

For a listing of manufacturing establishments according to the North American Industry Classification System (NAICS), please refer to Statistics Canada's internet page at:
www.statcan.ca/bsolc/english/bsolc?catno=12-501-X

4. Copies of the 3Rs Guides:

Additional copies of the ministry's 3Rs guides are available at:
www.ene.gov.on.ca/en/publications/forms/index.php#AuditandReduction

5. Ontario Environment Business Directory:

The Ministry of the Environment maintains a web site for Ontario companies that provide environmental goods and services at: www.envirodirectory.on.ca

6. Ontario Waste Materials Exchange:

Will match a waste materials producer with a potential user. www.owe.org

Appendix B: Mandatory Waste Materials to be Source Separated

Waste Materials to be source separated for recycling	Multi-Unit Residential Building 6 units+ * see footnote	Educational Institution Over 350 persons	Hospital Group A/B/E	Retail Shopping Complex 10,000+ m ² Floor area	Retail Establishment 10,000+ m ² Floor area	Construction 2,000+ m ³ Floor area	Hotel/Motel Over 75 units	Demolition 2,000+ m ³ Floor area	Office 10,000+ m ² Floor area	Restaurant \$3 million+ sales/yr	Large Manufacturer Over 16,000 hrs worked/mth
Aluminum food & beverage cans											
Cardboard (corrugated)											
Fine paper											
Glass food & beverage bottles/jars											
Newsprint											
Steel food & beverage cans											
Brick & Portland cement/concrete											
Drywall (unpainted)											
Steel											
Wood (not including painted, treated or laminated wood)											
P.E.T. plastic bottles for food and beverage											
Aluminum											
Glass											
HDPE plastic jugs, pails, crates, totes, drums											
LDPE film plastic											
Polystyrene expanded foam											
Rigid polystyrene trays/reels/spools											

* In addition to materials listed here, owners of multi-unit residential buildings must also include other materials collected in the local municipal Blue Box recycling program.
 Owners should check with their municipal works department to determine which materials are included

Appendix C: List of Other Waste Materials That Can Be Source Separated and Diverted.

The materials below are listed in O. Reg. 101/94 in Schedules 1, 2 and 3. It is not mandatory to source separate these materials, except for those materials that are also listed in Appendix B. However, all designated IC&I sectors and multi-unit residential buildings are encouraged to do so.

SCHEDULE I BLUE BOX WASTE

PART I – BASIC BLUE BOX WASTE

1. Aluminum food or beverage cans (including cans made primarily of aluminum).
2. Glass bottles and jars for food or beverages.
3. Newsprint.
4. Polyethylene terephthalate (PET) bottles for food or beverages (including bottles made primarily of polyethylene terephthalate).
5. Steel food or beverage cans (including cans made primarily of steel).

PART II – SUPPLEMENTARY BLUE BOX WASTE

1. Aluminum foil (including items made from aluminum foil).
2. Boxboard and paperboard.
3. Cardboard (corrugated).
4. Expanded polystyrene food or beverage containers and packing materials.
5. Fine paper.
6. Magazines.
7. Paper cups and plates.
8. Plastic film being,
 - i. linear low density or low density polyethylene grocery bags or bags used for food or beverages, and
 - ii. linear low density or low density polyethylene used for wrapping products.
9. Rigid plastic containers being,
 - i. high density polyethylene bottles used for food, beverages, toiletries or household cleaners (including bottles made primarily of high density polyethylene), and
 - ii. polystyrene containers used for food or beverages (including containers made primarily of polystyrene).
10. Telephone directories.
11. Textiles (not including fibreglass or carpet).
12. Polycoat paperboard containers, being containers made primarily of paperboard and coated with low density polyethylene or aluminum, and used for food or beverages.

SCHEDULE 2
RECYCLABLE WASTE OTHER THAN BLUE BOX WASTE

1. Glass
2. Leather
3. Leaf and yard waste
4. Metal
5. Paper (including products made from paper).
6. Plastics
7. Textiles
8. The following household appliances: refrigerators, freezers, stoves, ovens, clothes washers, clothes dryers and dishwashers

SCHEDULE 3
**RECYCLABLE WASTE OTHER THAN BLUE BOX WASTE THAT CANNOT BE
COMMINGLED**

1. Brick and Portland cement concrete (one category)
2. Drywall (unpainted)
3. Wood (not including painted or treated wood or laminated wood)

